THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO. 25399 of 1995

Dated 22-08-2006

Between:

Smt. B.Ramani and two others

..Petitioner.

And

Municipal Corporation of Hyderabad
Rep., by its Commissioner and
Special Officer, Hyderabad and another

.. Respondents.

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO. 25399 of 1995

ORDER:

The petitioners claim title and possession in respect of Plot No.1 in Ambedkarnagar Co-operative Society layout, Kulusumpura, Hyderabad. The said plot was originally allotted in favour of Dr.B.Krishna Murthy, the husband of the first petitioner, who was a member of the second respondent-Society. However, the second respondent with oblique motive avoided to register the plot in favour of the allottee. It is claimed that the petitioners, being the legal representatives of Dr.B.Krishna Murthy, have succeeded to the said plot and have been continuing in possession and enjoyment of the same.

While so, on a request made by the petitioners, the first respondent granted permission for construction to the petitioners vide permit No.500/29 dated 05-09-1995. Pursuant thereto, when the petitioners were proceeding with the construction, the first respondent-Corporation issued impugned notice dated 04-11-1995 proposing to take action under Section 450 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') and calling upon the petitioners to show cause as to why the permission granted in their favour on 05-09-1995 should not be cancelled. Aggrieved by the same, this writ petition is filed.

This Court, while directing Rule Nisi, by order, dated 10-11-1995, though granted liberty to the first respondent to proceed with the proceedings under Section 450 of the Act, directed that the respondents shall not dispossess the petitioners from the plot in question and the compound wall raised by the petitioners shall not be demolished.

Today, when the matter is taken up for consideration, the

learned standing counsel appearing for the first respondent-Corporation has brought to my notice that during the pendency of this writ petition, the petitioners have obtained a registered document from the second respondent-Society vide document No.769/96 dated 04-05-1996 and having considered the same, the proceedings initiated under Section 450 of the Act, which are impugned in this writ petition, were dropped by the first respondent. In view of the same, nothing survives for adjudication on merits.

Accordingly, recording the statement of the learned standing counsel for the Corporation, the writ petition is disposed of. No costs.

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(G. ROHINI, J)

Dated 22-08-2006
KLP